

Message Text

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INFO OCT-01 EUR-25 ADP-00 AID-20 IO-13 ACDA-19 SAJ-01

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INRE-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 PC-15 /166 W

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 6451

AMEMBASSY ISLAMABAD IMMEDIATE

AMEMBASSY DACCA IMMEDIATE

INFO AMEMBASSY KATHMANDU

AMEMBASSY COLOMBO

AMEMBASSY LONDON

AMEMBASSY KABUL

AMEMBASSY TEHRAN

CINCPAC

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CINCPAC FOR POLAD

E.E. 11652: DECLASSIFIED UPON RECEIPT

TAGS: PFOR, IN, PK, BG

SUBJ: INDO-PAKISTANI AGREEMENT OF AUGUST 28TH

REF: NEW DELHI 10020

1. THE FOLLOWING IS THE TEXT OF THE INDO-PAKISTANI AGREEMENT
SIGNED AT NEW DELHI ON AUGUST 28TH:

THE SPECIAL REPRESENTATIVE OF THE PRIME MINISTER OF INDIA,
SHRI P.N. HAKSAR, AND THE PAKISTAN MINISTER OF STATE FOR
DEFENCE AND FOREIGN AFFAIRS, HIS EXCELLENCY MR. AZIZ AHMED,
HELD TALKS IN RAWALPINDI FROM JULY 24 TO JULY 31, 1973 AND
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IN NEW DELHI FROM AUGUST 18 TO AUGUST 28, 1973. SHRI P.N.

HAKSAR WAS ASSISTED BY FOREIGN SECRETARY, SHRI KEWAL SINGH, SECRETARY TO THE PRIME MINISTER, SHRI P.N. DHAR, JOINT SECRETARIES IN THE MINISTRY OF EXTERNAL AFFAIRS, SHRI K.P.S. MENON, SHRI A.S. CHIB AND DR. S.P. JAGOTA, AND DEPUTY SECRETARIES, SHRI K.N. BAKSHI AND SHRI NARESH DAYAL. THE LEADER OF THE PAKISTANI DELEGATION WAS ASSISTED BY THE FOREIGN SECRETARY, MR. AGHA SHAHI, DIRECTOR GENERAL IN THE MINISTRY OF FOREIGN AFFAIRS, MR. ABDUL SATTAR AND DIRECTORS, MR. ABDUL WAHEED AND MR. KHALID SALEEM. THESE TALKS WERE HELD IN THE CONTEXT OF SOLVING THE HUMANITARIAN PROBLEMS SET OUT IN THE JOINT INDO-BANGLADESH DECLARATION OF APRIL 17, 1973.

2. DURING THE COURSE OF THE TALKS BOTH AT RAWALPINDI AND AT

NEW DELHI, WHICH WERE MARKED BY MUTUAL UNDERSTANDING, THE DELEGATIONS OF INDIA AND PAKISTAN REVIEWED THE PROGRESS SO FAR MADE IN THE IMPLEMENTATION OF THE SIMLA AGREEMENT SINCE THEY MET LAST IN NEW DELHI IN AUGUST 1972. THE SPECIAL REPRESENTATIVES REAFFIRMED THE RESOLVE OF THEIR RESPECTIVE GOVERNMENTS EXPRESSED IN THE SIMLA AGREEMENT THAT "THE TWO COUNTRIES PUT AN END TO THE CONFLICT AND CONFRONTATION THAT HAVE HITHERTO MARRED THEIR RELATIONS AND WORK FOR THE PROMOTION OF A FREINDLY AND HARMONIOUS RELATIONSHIP AND THE ESTABLISHMENT OF DURABLE PEACE IN THE SUB-CONTINENT". IN THIS CONNECTION THE SPECIAL REPRESENTATIVES WERE CONFIDENT THAT THE REPATRIATION OF PRISONERS OF WAR AND NATIONALS OF BANGLADESH AND PAKISTAN WILL GENERATE AN ATMOSPHERE OF RECONCILIATION AND THUS CONTRIBUTE TO THE BUILDING OF A STRUCTURE OF DURABLE PEACE IN THE SUB-CONTINENT.

3. DESIROUS OF SOLVING THE HUMANITARIAN PROBLEMS RESULTING FROM THE CONFLICT OF 1971 AND THUS ENABLING THE VAST MAJORITY OF HUMAN BEINGS REFERRED TO IN THE JOINT INDO-BANGLADESH DECLARATION TO GO TO THEIR RESPECTIVE COUNTRIES, INDIA AND PAKISTAN HAVE REACHED THE FOLLOWING AGREEMENT:

(I) THE IMMEDIATE IMPLEMENTATION OF THE SOLUTION OF THESE HUMANITARIAN PROBLEMS IS WITHOUT PREJUDICE TO THE RESPECTIVE POSITIONS OF THE PARTIES CONCERNED RELATING TO THE CASE OF 195 PRISONERS OF WAR REFERRED TO IN CLAUSES (VI) AND (VII) OF THIS PARAGRAPH;
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(II) SUBJECT TO CLAUSE (I), REPATRIATION OF ALL PAKISTANI PRISONERS OF WAR AND CIVILIAN INTERNEES WILL COMMENCE WITH THE UTMOST DESPATCH AS SOON AS LOGISTIC ARRANGEMENTS ARE COMPLETED AND FROM A DATE TO BE SETTLED BY MUTUAL AGREEMENT;

(III) SIMULTANEOUSLY, THE REPATRIATION OF ALL BANGALEES IN PAKISTAN, AND ALL PAKISTANIS IN BANGLADESH REFERRED TO IN CLAUSE (V) BELOW, TO THEIR RESPECTIVE COUNTRIES WILL COMMENCE;

(IV) IN THE MATTER OF REPATRIATION OF ALL CATEGORIES OF

PERSONS THE PRINCIPLE OF SIMULTANEITY WILL BE OBSERVED THROUGH-
OUT AS FAR AS POSSIBLE;

(V) WITHOUT PREJUDICE TO THE RESPECTIVE POSITIONS OF
BANGLADESH AND PAKISTAN ON THE QUESTION OF NON-BANGALEES
WHO ARE STATED TO HAVE "OPTED FOR REPATRIATION TO PAKISTAN",
THE GOVERNMENT OF PAKISTAN, GUIDED BY CONSIDERATIONS OF
HUMANITY, AGREES, INITIALLY, TO RECEIVE A SUBSTANTIAL NUMBER
OF SUCH NON-BANGALEES FROM BANGLADESH. IT IS FURTHER AGREED
THAT THE PRIME MINISTERS OF BANGLADESH AND PAKISTAN OR THEIR
DESIGNATED REPRESENTATIVES WILL THEREAFTER MEET TO DECIDE WHAT
ADDITIONAL NUMBER OF PERSONS WHO MAY WISH TO MIGRATE TO PAKISTAN
MAY BE PERMITTED TO DO SO. BANGLADESH HAS MADE IT CLEAR THAT
IT WILL PARTICIPATE IN SUCH A MEETING ONLY ON THE BASIS OF
SOVEREIGN EQUALITY;

(VI) BANGLADESH AGREES THAT NO TRIALS OF THE 195 PRISONERS
OF WAR SHALL TAKE PLACE DURING THE ENTIRE PERIOD OF REPATRIA-
TION AND THAT PENDING THE SETTLEMENT ENVISAGED IN CLAUSE
(VII) BELOW THESE PRISONERS OF WAR SHALL REMAIN IN INDIA;

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NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 /166 W

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O R 291115Z AUG 73 ZFF-4

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 6452

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(VII) ON COMPLETION OF REPATRIATION OF PAKISTANI PRISONERS OF WAR AND CIVILIAN INTERNEES IN INDIA, BANGALEES IN PAKISTAN AND PAKISTANIS IN BANGLADESH REFERRED TO IN CLAUSE (V) ABOVE, OR EARLIER IF THEY SO AGREE, BANGLADESH, INDIA AND PAKISTAN WILL DISCUSS AND SETTLE THE QUESTIONS OF 195 PRISONERS OF WAR. BANGLADESH HAS MADE IT CLEAR THAT IT CAN PARTICIPATE IN SUCH A MEETING ONLY ON THE BASIS OF SOVEREIGN EQUALITY.

THE SPECIAL REPRESENTATIVES ARE CONFIDENT THAT THE COMPLETION OF REPATRIATION PROVIDED FOR IN THIS AGREEMENT WOULD MAKE A SIGNAL CONTRIBUTION TO THE PROMOTION OF RECONCILIATION IN THE SUBCONTINENT AND CREATE AN ATMOSPHERE FAVOURABLE TO A CONSTRUCTIVE OUTCOME OF THE MEETING OF THE THREE COUNTRIES;
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(VIII) THE TIME SCHEDULE FOR THE COMPLETION OF REPATRIATION OF THE PAKISTANI PRISONERS OF WAR AND CIVILIAN INTERNEES FROM INDIA, THE BANGALEES FROM PAKISTAN, AND THE PAKISTANIS REFERRED TO IN CLAUSE (V) ABOVE FROM BANGLADESH, WILL BE WORKED OUT BY INDIA IN CONSULTATION WITH BANGLADESH AND PAKISTAN, AS THE CASE MAY BE. THE GOVERNMENT OF INDIA WILL MAKE THE LOGISTIC ARRANGEMENTS FOR THE PAKISTANI PRISONERS OF WAR AND CIVILIAN INTERNEES WHO ARE TO BE REPATRIATED TO PAKISTAN. THE GOVERNMENT OF PAKISTAN WILL MAKE LOGISTIC ARRANGEMENTS WITHIN ITS TERRITORY UP TO AGREED POINTS OF EXIT FOR THE REPATRIATION OF BANGLADESH NATIONALS TO BANGLADESH. THE GOVERNMENT OF BANGLADESH WILL MAKE NECESSARY ARRANGEMENTS FOR THE TRANSPORT OF THESE PERSONS FROM SUCH AGREED POINTS OF EXIT TO BANGLADESH. THE GOVERNMENT OF BANGLADESH WILL MAKE LOGISTIC ARRANGEMENTS WITHIN ITS TERRITORY UP TO AGREED POINTS OF EXIT FOR THE MOVEMENT OF PAKISTANIS REFERRED TO IN CLAUSE (V) ABOVE WHO WILL GO TO PAKISTAN. THE GOVERNMENT OF PAKISTAN WILL MAKE NECESSARY ARRANGEMENTS FOR THE TRANSPORT OF THESE PERSONS FROM SUCH AGREED POINTS OF EXIT TO PAKISTAN. IN MAKING LOGISTIC ARRANGEMENTS THE GOVERNMENTS CONCERNED MAY SEEK THE ASSISTANCE OF INTERNATIONAL HUMANITARIAN ORGANIZATIONS AND OTHERS;

(IX) FOR THE PURPOSE OF FACILITATING THE REPATRIATION PROVIDED FOR IN THIS AGREEMENT, THE REPRESENTATIVES OF THE SWISS FEDERAL GOVERNMENT AND ANY INTERNATIONAL HUMANITARIAN ORGANISATION ENTRUSTED WITH THIS TASK SHALL HAVE UNRESTRICTED ACCESS AT ALL TIMES TO BANGALEES IN PAKISTAN

AND TO PAKISTANIS IN BANGLADESH REFERRED TO IN CLAUSE
(V) ABOVE. THE GOVERNMENT OF BANGLADESH AND THE GOVERNMENT
OF PAKISTAN WILL PROVIDE ALL ASSISTANCE AND FACILITIES TO
SUCH REPRESENTATIVES IN THIS REGARD INCLUDING FACILITIES
FOR ADEQUATE PUBLICITY FOR THE BENEFIT OF THE PERSONS
ENTITLED TO REPATRIATION UNDER THIS AGREEMENT;

(X) ALL PERSONS TO BE REPATRIATED IN ACCORDANCE WITH
THIS AGREEMENT WILL BE TREATED WITH HUMANITY AND

CONSIDERATION.
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4. THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF PAKISTAN
HAVE CONCURRED IN THIS AGREEMENT. THE SPECIAL REPRESENTATIVE
OF THE PRIME MINISTER OF INDIA, HAVING CONSULTED THE
GOVERNMENT OF BANGLADESH, HAS ALSO CONVEYED THE CONCURRENCE
OF BANGLADESH GOVERNMENT IN THIS AGREEMENT.

DONE IN NEW DELHI ON AUGUST 28, 1973 IN THREE ORIGINALS,
ALL OF WHICH ARE EQUALLY AUTHENTIC.

SD/--	SD/--
(P.N. HAKSAR)	(AZIZ AHMED)
SPECIAL REPRESENTATIVE OF	MINISTER OF STATE FOR DEFENCE

THE PRIME MINISTER OF INDIA	AND FOREIGN AFFAIRS,
GOVERNMENT OF PAKISTAN	

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